

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>MUTATIONS OF VOLTAGE-GATED ION CHANNELS THAT ALLOW THEM TO EXPRESS A VOLTAGE-INDEPENDENT PHENOTYPE AND AN IMPROVED METHOD TO USE THE SAME</b>
---------------------------	--

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 10/520,780, U.S. National Phase of PCT/US2003/022165 filed July 14, 2003,  
☐ as amended on \_\_\_\_\_ (if applicable);

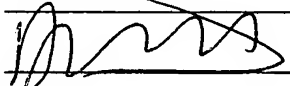
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;


I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one:	<u>David Fedida</u>	Citizen of:	<u>Canada</u>
Signature:		Date:	<u>27/7/2005</u>

Inventor two:	<u>David Steele</u>	Citizen of:	<u>Canada</u>
Signature:		Date:	<u>7-26-05</u>

Inventor three:	_____	Citizen of:	_____
Signature:	_____	Date:	_____

Inventor four:	_____	Citizen of:	_____
Signature:	_____	Date:	_____

☐ Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Docket No: 480102.425USPC

<b>ELECTION AND POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	<b>Application Number</b>	10/520,780, U.S. National Phase of PCT/US2003/022165 filed July 14, 2003
	<b>First Named Inventor</b>	David Fedida
	<b>Title</b>	MUTATIONS OF VOLTAGE-GATED ION CHANNELS THAT ALLOW THEM TO EXPRESS A VOLTAGE- INDEPENDENT PHENOTYPE AND AN IMPROVED METHOD TO USE THE SAME
	<b>Art Unit</b>	
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	480102.425USPC

I hereby appoint:

☒ Practitioners at Seed IP Law Group PLLC, Customer Number: **00500**

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above (and any continuation/divisional applications therefrom), and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

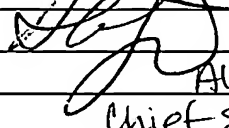
I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest I/we hereby elect, under 37 CFR 3.71, to prosecute the application to the exclusion of the inventor(s).

**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	29 July 2005
Name	Alan Ezrin		
Title and Company (Assignee)	Chief Scientific Officer Cardiome Pharma Corp.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 480102.425USPC

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: David Fedida and David Steele

Application No: 10/520,780, U.S. National Phase of PCT/US2003/022165  
filed July 14, 2003

Entitled: **MUTATIONS OF VOLTAGE-GATED ION CHANNELS THAT  
ALLOW THEM TO EXPRESS A VOLTAGE-INDEPENDENT  
PHENOTYPE AND AN IMPROVED METHOD TO USE THE  
SAME**

Cardiome Pharma Corp.

(Name of Assignee)

a

corporation

(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title noted in B above are  
attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be  
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the  
records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

29 July 2005

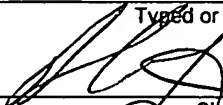
Date

604-677-6905

Telephone Number

Alan Ezrin

Typed or printed name



Signature

Chief Scientific Officer

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**COPY**

## ASSIGNMENT

WHEREAS, we, **David Fedida**, having a mailing address of 3375 West 2<sup>nd</sup> Avenue, Vancouver, British Columbia, Canada V6R 1H9; and **David Steele**, having a mailing address of 1958 West 42<sup>nd</sup> Avenue, Vancouver, British Columbia, Canada V6M 2B1 (hereinafter referred to as **ASSIGNORS**), are the joint inventors of an invention entitled **"MUTATIONS OF VOLTAGE-GATED ION CHANNELS THAT ALLOW THEM TO EXPRESS A VOLTAGE-INDEPENDENT PHENOTYPE AND AN IMPROVED METHOD TO USE THE SAME,"** as described and claimed in the specification for which an application for United States letters patent was filed and assigned Application No. **10/520,780**. This application is a national stage application filed under 35 U.S.C. 371 of International Application No. PCT/US2003/022165, accorded an International Filing Date of July 14, 2003; which application claims the benefit of U.S. Provisional Patent Application No. 60/395,272 filed July 12, 2002;

WHEREAS, **Cardiome Pharma Corp.** (hereinafter referred to as **ASSIGNEE**), a corporation of Canada having a usual place of business at 6190 Agronomy Road, 6<sup>th</sup> Floor, Vancouver, British Columbia, Canada V6T 1Z3, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States.

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, **ASSIGNORS** hereby sell, assign and transfer unto said **ASSIGNEE**, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and, in any and all divisions, reissues and continuations thereof, said invention, application and all letters patent on said invention to be held and enjoyed by **ASSIGNEE** and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by **ASSIGNORS** had this assignment, transfer and sale not been made. **ASSIGNORS** hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to **ASSIGNEE**. **ASSIGNORS** agree to execute all instruments and documents required for the making and prosecution of applications for United States letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

This Assignment is effective as of July 14, 2003.

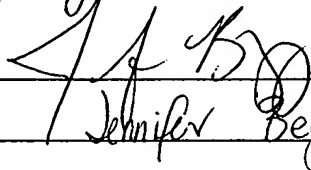
26<sup>th</sup> July 2005  
Date

  
David Fedida

Province of British Columbia )  
Country of Canada )

ss.

I certify that I know or have satisfactory evidence that David Fedida is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated July 26, 2005  
Signature of Notary Public   
Printed Name Jennifer Begg

My appointment never expires.

7-26-05  
Date

  
David Steele

Province of British Columbia )

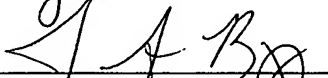
)

Country of Canada )

ss.

I certify that I know or have satisfactory evidence that David Steele is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated July 26, 2005

Signature of Notary Public 

Printed Name Jennifer Begg

My appointment never expires.